

**DOCKET NO.: UWY-CV-15-6025912-S : SUPERIOR COURT**  
**JAMES GRECHIKA : J. D. OF WATERBURY**  
**V. : AT WATERBURY**  
**WHOLE FOODS MARKET**  
**GROUP, INC., ET AL : JUNE 29, 2016**

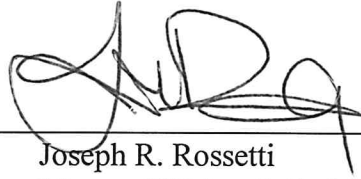
**MOTION TO CITE IN**

The plaintiff, JAMES GRECHIKA, hereby Pursuant to Practice Book Sections 9-18 and 9-22, the plaintiff hereby moves this court to cite in **WFM PROPERTIES CHESHIRE, LLC** as a defendant in this matter. The plaintiff first learned of the identity of this defendant through interrogatory responses dated May 14, 2015, and was further confirmed in the responses to his Requests to Admit on June 29, 2016. In said responses, defendant **WHOLE FOODS MARKET GROUP, INC.**, indicated that **WFM PROPERTIES CHESHIRE, LLC** owned the subject premises upon which their distribution center was located. As such, **WFM PROPERTIES CHESHIRE, LLC** are or may be liable for all or part of the plaintiff's injuries, losses and damages. The interests of **WFM PROPERTIES CHESHIRE, LLC** is set forth in the Amended Complaint attached hereto.

Wherefore, the undersigned moves that the plaintiff's complaint be amended to state facts showing the interest of **WFM PROPERTIES CHESHIRE, LLC** in this action and that they be summoned to appear herein as defendants.

THE PLAINTIFF,  
JAMES GRECHIKA

By

A handwritten signature in black ink, appearing to read 'J. Rossetti', written over a horizontal line.

Joseph R. Rossetti  
Moore, O'Brien & Foti  
891 Straits Turnpike  
Middlebury, CT 06762  
Phone: (203) 272-5881  
Juris No.: 408519  
His Attorneys

**CERTIFICATION**

I certify that a copy of this document was mailed or delivered electronically or non-electronically on June 29, 2016 to all attorneys and self-represented parties of record and to all parties who have not appeared in this matter and that written consent for electronic delivery was received from all attorneys and self-represented parties receiving electronic delivery.

Janice D. Lai, Esq.

Ryan Ryan Deluca LLP

360 Bloomfield Avenue, Suite 301

Windsor, CT 06095

By 

Joseph R. Rossetti

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**AMENDED COMPLAINT**

**FIRST COUNT:**

**(JAMES GRECHKA V. WHOLE FOODS MARKET GROUP, INC.)**

1. At all times mentioned herein, the defendant, **WHOLE FOODS MARKET GROUP, INC.**, was and is a foreign corporation authorized to transact business in the State of Connecticut with a principal place of business located at 550 Bowie Street, Austin, Texas.

2. At all times mentioned herein, the defendant, **WHOLE FOODS MARKET GROUP, INC.**, its servants and/or employees, owned, possessed, managed, controlled and/or maintained the Whole Foods Market Distribution Center premises located at 400 East Johnson Avenue, Cheshire, Connecticut, including the exterior brick/paver stone walkway.

3. On October 4, 2013 and at all times mentioned herein, the plaintiff, **JAMES GRECHKA**, was lawfully walking on the subject premises, on the exterior brick/paver stone walkway when he was caused to fall due to a broken and/or uneven surface on the

exterior front walkway area, thereby causing the plaintiff to suffer the injuries and losses more fully set forth below.

4. The incident was caused by the negligence of the defendant, **WHOLE FOODS MARKET GROUP, INC.**, its agents, servants and/or employees, in one or more of the following ways:

- a. It failed to properly maintain the exterior brick/paver stone walkway area;
- b. It failed to properly and reasonably inspect the exterior brick/paver stone walkway area on the premises;
- c. It knew or in the exercise of reasonable care and inspection should have known of the aforementioned conditions and should have taken measures to remedy and correct the same but this they carelessly and negligently failed to do;
- d. It failed to warn the plaintiff of the dangerous condition of the exterior brick/paver stone walkway area on the premises;
- e. It failed to erect barriers for those lawfully on the premises not to use the subject exterior brick/paver stone walkway area and/or prevent those lawfully on the premises from falling due to the dangerous and/or hazardous condition; and/or

- f. It failed to repair the exterior brick/paver stone walkway area in a timely manner.

5. As a result of the negligence of the defendant, **WHOLE FOODS MARKET GROUP, INC.**, its agents, servants and/or employees, the plaintiff, **JAMES GRECHIKA**, suffered the following injuries, some or all of which may be permanent in nature:

- a. Left wrist pain;
- b. Left arm pain;
- c. Right forearm laceration;
- d. Right arm pain;
- e. Right hand laceration;
- f. Right hand pain;
- g. Left wrist fracture requiring surgical intervention with associated pain and discomfort; and
- h. Pain and suffering, both mental and physical.

6. As a further result of the negligence of the defendant, **WHOLE FOODS MARKET GROUP, INC.**, its agents, servants and/or employees, the plaintiff, **JAMES GRECHIKA**, was forced to expend large sums of money for hospital and medical care,

surgery, medicines, diagnostic tests and therapy, all necessary to his recovery, and may be forced to expend additional sums in the future.

7. As a further result of the negligence of the defendant, **WHOLE FOODS MARKET GROUP, INC.**, its agents, servants and /or employees, the plaintiff, **JAMES GRECHKA**, was unable to work, to his financial detriment.

8. As a further result of the negligence of the defendant, **WHOLE FOODS MARKET GROUP, INC.**, its agents, servants and /or employees, the plaintiff, **JAMES GRECHKA**, has sustained a loss of earning capacity.

9. As a further result of the negligence of the defendant, **WHOLE FOODS MARKET GROUP, INC.**, its agents, servants and/or employees, the plaintiff, **JAMES GRECHKA**, was unable, and remains unable, to participate in and enjoy his usual activities.

**SECOND COUNT: (JAMES GRECHKA V. WFM PROPERTIES CHESHIRE, LLC)**

1. At all times mentioned herein, the defendant, **WFM PROPERTIES CHESHIRE, LLC**, was and is a foreign corporation authorized to transact business in the State of Connecticut with a principal place of business located at 550 Bowie Street, Austin, Texas.

2. The plaintiff first learned of the identity of **WFM PROPERTIES CHESHIRE, LLC** through interrogatory responses dated May 14, 2015 and was later confirmed on June 29, 2016 when the co-defendant, **WHOLE FOODS MARKET GROUP, INC.**, responded to the plaintiff's Requests for Admissions.

3. At all times mentioned herein, the defendant, **WFM PROPERTIES CHESHIRE, LLC**, its servants and/or employees, owned, possessed, managed, controlled and/or maintained the property on which the Whole Foods Market Distribution Center premises was located, 400 East Johnson Avenue, Cheshire, Connecticut, including the exterior brick/paver stone walkway.

4. On October 4, 2013 and at all times mentioned herein, the plaintiff, **JAMES GRECHIKA**, was lawfully walking on the subject premises, on the exterior front walkway when he was caused to fall due to a broken and/or uneven surface on the exterior brick/paver stone walkway area, thereby causing the plaintiff to suffer the injuries and losses more fully set forth below.

5. The incident was caused by the negligence of the defendant, **WFM PROPERTIES CHESHIRE, LLC**, its agents, servants and/or employees, in one or more of the following ways:

- a. they failed to properly maintain the exterior brick/paver stone walkway area;



- b. they failed to properly and reasonably inspect the exterior brick/paver stone walkway area on the premises;
- c. they knew or in the exercise of reasonable care and inspection should have known of the aforementioned conditions and should have taken measures to remedy and correct the same but this they carelessly and negligently failed to do;
- d. they failed to warn the plaintiff of the dangerous condition of the exterior brick/paver stone walkway area on the premises;
- e. they failed to erect barriers for those lawfully on the premises not to use the subject exterior brick/paver stone walkway area and/or prevent those lawfully on the premises from falling due to the dangerous and/or hazardous condition; and/or
- f. they failed to repair the exterior front walkway area in a timely manner.

6. As a result of the negligence of the defendant, **WFM PROPERTIES CHESHIRE, LLC**, his agents, servants and/or employees, the plaintiff, **JAMES GRECHIKA**, suffered the following injuries, some or all of which may be permanent in nature:

- a. Left wrist pain;
- b. Left arm pain;

- c. Right forearm laceration;
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7. As a further result of the negligence of the defendant, **WFM PROPERTIES CHESHIRE, LLC**, its agents, servants and/or employees, the plaintiff, **JAMES GRECHIKA**, was forced to expend large sums of money for hospital and medical care, surgery, medicines, diagnostic tests and therapy, all necessary to his recovery, and may be forced to expend additional sums in the future.

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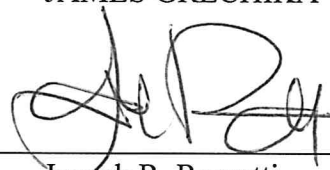
9. As a further result of the negligence of the defendant, **WFM PROPERTIES CHESHIRE, LLC**, its agents, servants and /or employees, the plaintiff, **JAMES GRECHIKA**, has sustained a loss of earning capacity.

10. As a further result of the negligence of the defendant, **WFM PROPERTIES CHESHIRE, LLC**, its agents, servants and/or employees, the plaintiff, **JAMES GRECHIKA**, was unable, and remains unable, to participate in and enjoy his usual activities.

WHEREFORE, the plaintiff claims money damages.

THE PLAINTIFF,  
JAMES GRECHIKA

By

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**STATEMENT OF AMOUNT IN DEMAND**

The amount of money damages claimed is greater than Fifteen Thousand Dollars (\$15,000.00), exclusive of interest and costs.

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